

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

CONSTANCE ALEXANDER, et al., :

Plaintiffs : CIVIL ACTION NO. 1:20-38

**v. : (MANNION, J.)
(HENDERSON, M.J.)**

**STEADFAST INSURANCE :
COMPANY (STEADFAST), et al., :**

Defendants :

ORDER

Pending before the court is the plaintiffs' objection and appeal of Magistrate Judge Henderson's order staying discovery in this case. (Doc. 102). Upon review, the plaintiffs' objection and appeal will be dismissed.

By way of relevant background, in April 2022, defendant CRC filed a renewed motion to dismiss for lack of personal jurisdiction or to transfer venue to Texas. (Doc. 55). Subsequently, on November 29, 2022, defendant CRC filed a motion to stay discovery pending the court's ruling on its motion to dismiss. (Doc. 87).

By report dated February 28, 2023, Judge Henderson recommended that defendant CRC's motion to dismiss for lack of personal jurisdiction be granted. (Doc. 96). Just days later, on March 2, 2023, Judge Henderson

issued an order granting defendant CRC's motion for stay of discovery pending this court's consideration of the report and recommendation on the motion to dismiss. (Doc. 97).

On March 16, 2023, plaintiffs filed the instant objection and appeal of Judge Henderson's order staying discovery. (Doc. 102). Defendant filed a response to plaintiffs' objection and appeal on March 29, 2023. (Doc. 106). The objections became ripe on April 5, 2023, when plaintiffs failed to file a reply.

In the meantime, on March 31, 2023, the undersigned issued a memorandum and order adopting the report and recommendation of Judge Henderson in its entirety and granting defendant CRC's motion to dismiss for lack of personal jurisdiction. (Doc. 108, 109).

In light of the fact that Judge Henderson stayed discovery in this case pending a ruling on his report and recommendation and a ruling has since been issued, plaintiffs' objection and appeal of Judge Henderson's order is now moot.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT: plaintiffs' objection and appeal of Judge Henderson's order granting defendant CRC's motion to stay (Doc. 102) is **DISMISSED AS MOOT.**¹

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATED: April 19, 2023

20-38-03

¹In any event, the court notes that “[t]here is particularly broad deference given to a magistrate judge’s discovery rulings.” *Farmers & Merch. Nat'l Bank v. San Clemente Fin. Grp. Sec., Inc.*, 174 F.R.D. 572, 585 (D.N.J. 1997) (citing *Toth v. Alice Pearl, Inc.*, 158 F.R.D. 47, 53 (D.N.J. 1994); *Republic of Philippines v. Westinghouse Elec. Corp.*, 132 F.R.D. 384, 386-87 (D.N.J. 1990), *aff'd*, 949 F.2d 653 (3d Cir. 1991)). Thus, a district court may only overrule a magistrate judge’s decision in a non-dispositive discovery dispute “if the decision is clearly erroneous or contrary to law, or if the Magistrate Judge abused his discretion.” *Scott Paper Co. v. U.S.*, 943 F. Supp. 501, 502 (E.D. Pa. 1996) (citations omitted). “In making this determination, the Court may consider only the evidence presented to the Magistrate Judge.” *Id.* (citing *Haines v. Liggett Grp., Inc.*, 975 F.2d 81, 91 (3d Cir. 1992)). Upon review of Judge Henderson’s order, the court does not find the decision is clearly erroneous or contrary to law, or that Judge Henderson abused his discretion in granting the stay pending consideration of his report and recommendation.